

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION**

FAITH MENDENHALL, individually and on behalf of all others similarly situated, <p style="text-align:center"><i>Plaintiff,</i></p> <p style="text-align:center">v.</p> <p style="text-align:center">TOMS KING (ILLINOIS), LLC and TOMS KING, LLC, <i>Defendants.</i></p>	Case No. 19-CH-10636 Judge Alison C. Conlon
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PRELIMINARY APPROVAL ORDER

This matter having come before the Court on Plaintiff's Unopposed Motion for Preliminary Approval of Class Action Settlement (the "Motion"), the Court having reviewed in detail and considered the Motion, the Class Action Settlement Agreement ("Settlement Agreement") between Plaintiff Faith Mendenhall ("Plaintiff") and Defendants TOMS King (Illinois), LLC and TOMS King, LLC (collectively, "Defendants" or "TOMS King") (together with Plaintiff, the "Parties"), and all other papers that have been filed with the Court related to the Settlement Agreement, including all exhibits and attachments to the Motion and the Settlement Agreement, and the Court being fully advised in the premises,

IT IS HEREBY ORDERED AS FOLLOWS:

1. Capitalized terms used in this Order that are not otherwise defined herein have the same meaning assigned to them as in the Settlement Agreement.
2. The terms of the Settlement Agreement are preliminarily approved as fair, reasonable, and adequate. There is good cause to find that the Settlement Agreement was negotiated at arms-length between the parties, who were represented by experienced counsel.
3. For settlement purposes only, the Court finds that the prerequisites to class action

treatment under Section 2-801 of the Illinois Code of Civil Procedure – including numerosity, commonality and predominance, adequacy, and appropriateness of class treatment of these claims

– have been preliminarily satisfied.

4. The Court hereby conditionally certifies, pursuant to Section 2-801 of the Illinois Code of Civil Procedure, and for the purposes of settlement only, the following Settlement Class consisting of:

all individuals who had their finger and/or fingerprints scanned and/or associated biometric data collected, captured, received, converted, stored, obtained, shared, taken, used, disclosed or disseminated by TOMS King (Illinois), LLC, or TOMS King, LLC, in the State of Illinois from September 13, 2014 to January 2, 2023 (“Settlement Class”).

5. For settlement purposes only, the Court appoints Plaintiff Faith Mendenhall as Class Representative.

6. For settlement purposes only, the Court appoints Ryan F. Stephan and Teresa M. Becvar of Stephan Zouras, LLC as Class Counsel.

7. The Court approves the Notice of Proposed Class Settlement attached as Exhibits B and C to the Settlement Agreement and orders its distribution to Settlement Class Members as described in the Settlement Agreement.

8. The Court finds that the Notice meets the requirements of Section 2-803 of the Illinois Code of Civil Procedure, constitutes the best notice practicable under the circumstances, and satisfies fully the requirements of due process, and any other applicable law, such that the Settlement Agreement and Final Approval Order, if entered, will be binding on all Settlement Class Members.

9. The Court appoints CPT Group, Inc. as Settlement Administrator. The Settlement

Administrator is vested with authority to carry out the Notice process as set forth in the Settlement Agreement.

10. A Final Approval Hearing shall be held before the Court on **Thursday, January 30, 2025 at 10:00 a.m.** in Courtroom 2408's virtual courtroom, which can be accessed via phone or Zoom (Meeting ID: 974 5431 3798; Password: 501494), or at such other time or location as the Court may, without further notice, direct, to consider, among other things, (1) whether to finally approve the Settlement; (2) whether to approve Class Counsel's request for attorneys' fees and litigation costs; (3) whether to approve settlement Administration Fees; and (4) whether to approve the Class Representative's request for a Service Award.

11. No later than two full court days prior to the Final Approval Hearing, Class Counsel shall file a motion for final approval of the settlement, as well as petition for attorneys' fees not to exceed 37% of the gross Settlement Fund, reasonable out-of-pocket litigation costs not to exceed \$16,000.00, Settlement Administration Expenses not to exceed \$26,000.00, and a Service Award to the Class Representative not to exceed \$7,500.00.

12. The Final Approval Hearing may be postponed, adjourned, transferred, or continued by order of the Court without further notice to the Settlement Class Members. At or following the Final Approval Hearing, the Court may enter a judgment approving the Settlement Agreement and a Final Approval Order in accordance with the Settlement Agreement that adjudicates the rights of all Settlement Class Members.

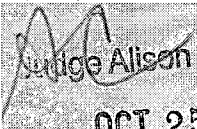
13. Settlement Class Members do not need to appear at the Final Approval Hearing or take any other action to indicate their approval of the Settlement.

14. All other proceedings in the above-captioned litigation are stayed and suspended until further order of the Court except such actions as may be necessary to implement the

Settlement Agreement and this Preliminary Approval Order.

IT IS SO ORDERED.

ENTERED: _____


Judge Alison C. Conlon
OCT 25 2024

Hon. Alison C. Conlon 2140
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